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**DEC 08 2006**

**OFFICE OF PETITIONS**

In re Application of	:	
Michael J. Kardauskas et al	:	
Application No. 10/691,452	:	DECISION ON PETITION
Filed: October 22, 2003	:	TO MAKE SPECIAL UNDER
Attorney Docket No. SR.US.1	:	37 CFR 1.102(c)(2)
	:	

This is a decision on the petition under 37 CFR 1.102(c) (2)(ii), filed June 13, 2006, to make the above-identified application special based on the invention materially contributing to the development or conservation of energy resources as set forth in M.P.E.P. § 708.02, Section VI.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(ii) and MPEP § 708.02, Section VI: Energy, must state how the invention materially contributes to (A) the discovery or development of energy resources, or (B) the more efficient utilization and conservation of energy resources. If the disclosure is not clear on its face that the claimed invention materially contributes category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. Examples of inventions in category (A) would be developments in fossil fuels (natural gas, coal, and petroleum), hydrogen fuel technologies, nuclear energy, solar energy, etc. Category (B) would include inventions relating to the reduction of energy consumption in combustion systems, industrial equipment, household appliances, etc. No fee is required.

The instant petition fails to provide any evidence of category (A) or (B). Petitioner indicates that the invention materially contributes to the discovery or development of energy resources by greatly increasing the amount of power that can be produced by a solar panel. Initially, it is noted that the application disclosure is directed to structures that use diffraction and/or refraction and reflection to redirect radiation incident on a three-dimensional diffraction pattern in particular diffraction modes at angles greater than a critical angle required for total internal reflection. The instant petition fails to meet the materiality standard of 37 CFR 102 (c)(2)(ii). Although the invention may be directed to the structures that use diffraction and/or refraction and reflection to redirect radiation incident on a three-dimensional diffraction pattern, the materiality standard of the rule has not been met, i.e., petitioner has failed to state how the claimed invention contributes in a significant, substantial, or noticeable manner to the conservation of energy resources. Accordingly it is unclear as to how the claimed invention would contribute in a significant manner to the development or conservation of energy resources.

Further correspondence with respect to this matter should be addressed as follows:

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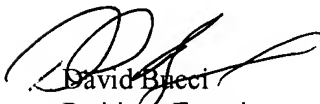
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Telephone inquiries concerning this decision should be directed to Irvin Dingle at 571-272-3210.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 1753 for action in its regular turn.

  
David Bucci  
Petitions Examiner  
Office of Petitions